

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

**Proposing rule making related to storage of stand-up paddleboards
and providing an opportunity for public comment**

The Natural Resource Commission hereby proposes to amend Chapter 16, “Docks and Other Structures on Public Waters,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 461A.4(1)“b.”

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 461A.4.

Purpose and Summary

The proposed amendments change the definition of “‘boat hoist’ or ‘lift’” to exclude certain storage of stand-up paddleboards (SUPs). Currently, storage of any object meeting the rule’s broad definition of “watercraft” counts as a boat hoist or lift. This definition includes SUPs, which are often stored on docks in a manner not traditionally considered to be a boat hoist or lift, yet storage of SUPs must be counted as a boat hoist or lift under the existing definition. Dock permit holders are limited in the number of hoists or lifts they may have on their docks; excluding storage of SUPs from the definition of “‘boat hoist’ or ‘lift’” will allow for more flexibility to store SUPs near the water where they are used and will reduce the need for storage space elsewhere.

Another proposed amendment to rule 571—16.1(461A,462A) clarifies the definition of “boat” by updating a reference to the Iowa Code regarding the definition of “watercraft.” The proposed amendment to subrule 16.4(3) removes an outdated date reference.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. A copy of the impact statement is available upon request from the Department.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the impact statement is available upon request from the Department.

Waivers

This rule is subject to the waiver provisions of 561—Chapter 10. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on March 7, 2018. Comments should be directed to:

Greg Harson
Department of Natural Resources
122 252nd Avenue
Spirit Lake, Iowa 51360
Fax: 712.336.0921
Email: gregory.harson@dnr.iowa.gov
Phone: 712.260.1040

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held. Upon arrival, attendees should proceed to the fourth floor to check in at the Department's reception desk to sign in and be directed to the appropriate hearing location.

March 7, 2018
1 p.m.

Conference Room 4E
Wallace State Office Building
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule **571—16.1(461A,462A)**, definitions of "Boat" and "Boat hoist," as follows:

"Boat" means "watercraft" as defined in Iowa Code section ~~462A.2(41)~~ 462A.2.

"Boat hoist" or "lift" means a structure placed in the water or below the ordinary high-water mark for boat storage, including platforms for storage of personal watercraft. For the purposes of this chapter, a boat hoist that is designed to store multiple small vessels such as personal watercraft or one-person sailboats shall be treated as a single hoist. For the purposes of this chapter, storage of stand-up paddleboards on racks above the platform of a dock shall not be counted as a boat hoist or lift.

ITEM 2. Amend subrule 16.4(3) as follows:

16.4(3) Procedures for issuance of Class I dock permits. The owner of a standard dock eligible for a Class I permit under the criteria in 16.4(1) or a dock in an area specified in 16.4(2) shall ~~have until July 1, 2008, to~~ apply for a Class I dock permit on an application form supplied by the department. The applicant shall certify that the dock meets the criteria for a Class I permit. The department shall approve the application based on the applicant's certification and shall assign a permit number which may be a series of numbers or letters, or a combination of numbers and letters. The applicant shall be responsible for obtaining stickers with the permit numbers and letters, for attaching them to the end of the dock facing opposite from the shoreline, and for displaying the 911 address as provided in 16.3(5). Class I

dock permits authorized by this rule may be issued for terms up to five years and shall be issued without administrative fee. A Class I dock permit shall be valid only while dock and hoists comply with the criteria for a Class I permit.